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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/725,708

12/02/2003

Chien-An Su

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QUINTERO LAW OFFICE
1617 BROADWAY, 3RD FLOOR
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EXAMINER

CHEN, TIANJIE

ART UNIT	PAPER NUMBER
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2627

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/725,708

Applicant(s)

SU, CHIEN-AN

Examiner

Tianjie Chen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 is/are allowed.
- 6) ☒ Claim(s) 5-7 is/are rejected.
- 7) ☒ Claim(s) 8 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Non-Final Rejection

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 5 is rejected under 35 U.S.C. 102(b) as being anticipated by Aoyama (JP 62-229581A).

Claim 1, Aoyama shows an optical disk drive in Figs. 1 and 2, including: a main guide rod 15; a sub guide rod 15 disposed substantially parallel to the main guide rod; a pickup head 14, movably disposed on the main guide rod and the sub guide rod, having clamp to grasp the sub guide rod; a shaft 10 disposed substantially parallel to the sub guide rod; a protrusion 22 disposed on the shaft, being movable between a first and a second position; wherein the protrusion blocks the clamp and restricts movement of the pickup head when the protrusion is the first position when 22 engages rack 21; and the clamp released when the protrusion is in the second position, when 22 disengages rack 21.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2627

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoyama in view of Van Klompenburg (US 3,907,346)..

Claim 6, Aoyama shows that the shaft has two ends, but fails to show that a slot is formed on one of the ends.

Van Klompenburg shows a shaft 27 in Fig. 4, which is an actuator (Column 2, line 38) has two ends, and slot 60 is formed on one of the ends. Van Klompenburg teaches that actuator 27 can be turned by 60 using a driver (Column 4, lines 34-36).

One of ordinary skill in the art would have been motivated to replace the handle 12 in Aoyama's device with the slot taught by van Klompenburg to turn the shaft 10. The rationale is as follows: using a slot to turn the rod by a driver is a old and notorious approach and has an obvious advantage of avoiding undesired incident turning of the handle.

Claim 7, Aoyama shows in Fig. 5 a chassis, and one of the ends of the sub guide rod being extended out of the chassis.

Allowable Subject Matter

4. Claims 1-4 are allowed.

Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

- With regard to independent claim 1, as the closest reference on record, Aoyama (JP 62-229581A) discloses an optical disc drive including: a main guide rod; a

Art Unit: 2627

sub guide rod disposed substantially parallel to the main guide rod; a pickup head, movably disposed on the main guide rod and the sub guide rod, having a clamp to grasp the sub guide rod; a shaft, a protrusion disposed on the shaft, being movable between a first and a second position; wherein the protrusion blocks the clamp and restricts movement of the pickup head when the protrusion is in the first position; and the clamp is released when the protrusion is in the second position; **but fails to show** that the protrusion is disposed on the sub guide rod.

- o Applicant asserts: during shipping, freely moveable pickup head may collide with other elements the optical disk drive, and thus cause damages of the pickup head and the optical disk drive This invention is an optical disk drive with pickup head protection during transport (Specification, pp. 1-2).
- With regard to claim 8, as the closest reference on record, Aoyama (JP 62-229581A) discloses an optical disc drive including: a main guide rod; a sub guide rod disposed substantially parallel to the main guide rod; a pickup head, movably disposed on the main guide rod and the sub guide rod, having a clamp to grasp the sub guide rod; a shaft, a protrusion disposed on the shaft, being movable between a first and a second position; wherein the protrusion blocks the clamp and restricts movement of the pickup head when the protrusion is in the first position; and the clamp is released when the protrusion is in the second position; **but fails to show** a sensor, shaft is disposed between the clamp and the sensor, and the protrusion contacts the sensor, which detects a

Art Unit: 2627

separation between the protrusion and the clamp, so as to detect a movable status of the pickup head when the protrusion is in the second position.

- o Applicant asserts: using thus constructed sensor, the sensor detects the separation of the protrusion and the clamp so as to detect the pickup head is moveable (Specification, p. 7).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record in PTO-892 Form and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tianjie Chen whose telephone number is 571-272-7570. The examiner can normally be reached on 8:00-4:30, Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa Nguyen can be reached on 571-272-7579. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TIANJIE CHEN
PRIMARY EXAMINER